

Public Hearing
December 11, 2003

A Public Hearing was held December 11, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to consider the creation of Water District No. 5 in the Town of Marilla. The proposed Water District is located in the northeast segment of the Town of Marilla bordering the Town of Alden in Erie County and the Town of Bennington in Wyoming County. The roads included in the District are Clinton Street east of Eastwood Road to the Bennington town line, Cayuga Creek Road and Exchange Street to the Alden town line. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board and a copy of the Order was mailed to each owner of the taxable real property in the District and a copy was sent to the State Comptroller's Office as well as other significant agencies pursuant to the provisions of the Town Law. Officials present were:

Absent: John R. Foss, Supervisor
Earl Gingerich, Jr., Councilman
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman

Approximately (25) persons were in attendance. Deputy Supervisor Fred Specht stated that the Public Hearing on the creation of Water District No. 5 was now open and asked if there was any interested person who desired to be heard.

Thomas Aiken, residing at 347 Exchange Street asked if residents in the District would be required to tap into the water service?

Deputy Supervisor, Fred Specht responded that he would not be required to tap into the water service but would still be charged for the construction costs of the District on their taxes. He also believed that if the residence would be sold the bank might require the seller be tapped into the public water prior to closing.

Lisa King, residing at 363 Cayuga Creek asked how long before construction for the Water District would begin.

Town Engineer, Marie Nowak responded it could begin possibly in late 2004 or early 2005.

Hearing no further comments from those in attendance, the hearing was closed at 7:38p.m.

Respectfully Submitted,

Town Clerk

Regular Meeting
December 11, 2003

Regular Meeting of the Marilla Town Board was held December 11, 2003 at 7:34 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

Absent: John R. Foss, Supervisor
Earl Gingerich, Jr., Councilman
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman

Deputy Supervisor Fred Specht called the meeting to order and the Pledge of Allegiance to the Flag was given.

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Communications

A request from Bonnie Colburn, Girl Scout Leader of Troop #493 to use the Community Center for an overnight meeting to work on their Bronze Award.

Committee Reports

Highway Superintendent Dave Pierce reported that he had spoken to the Erie County Highway Department about the poor job done paving Four Rod Road after the culvert replacement. The County agreed and said it would be milled out this year and replaced in the Spring.

Councilman Gingerich reported that the next Sesqui-Centennial meeting will be held on December 16th at 7:30 pm in the Marilla Town Hall to discuss the Civil War Re-enactment.

Councilman Spanitz reported that the Planning Board will hold a Public hearing on December 18th at 7:30 pm for the proposed Golf Course on Stolle Road.

Councilman Specht reported that the deadline for the Justice Court being on line is January 1st, hopefully other offices will be using the T-1 line in January. He also wanted to wish everyone a Happy Holiday Season from Supervisor Foss as well.

Open Board Presentation From the Public

Darlene Kihlberg, resides on Coleman Road and is on the Board for EMW wanted to thank the Town Board for their generous support and invite them to stop in and visit to see the wonderful job done by the kids and staff.

Warren Handley, Councilman elect, wanted to thank everyone for their help and support on the annual Christmas Tree Lighting Ceremony, it was a great success.

Resident Gloria Specht wanted to thank the Town for all of their support on the Memorial Pavilion, it is gorgeous and a great asset to the Town.

Old Business

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the Minutes from the Regular Board Meeting held on 11/6/2003 and the Public Hearings held on 11/6/03. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Gingerich to set the date and time for the end of the year Settlement Meeting for December 30th at 7:30 pm. in the basement of the Marilla Town Hall. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich set the date and time for the January Organizational Meeting for January 8th, 2004 at 7:30 pm at the Marilla Town Hall. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Gingerich to authorize the Town Clerk to publish the extended shooting hours for the year 2004 for Allied Sportsmen of WNY. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following resolution in the Stop DWI Program:

WHEREAS, the Town of Marilla has participated in the Stop DWI Program with Erie County for a number of years; and

WHEREAS, Erie County has submitted a proposed agreement for the Year 2004; and

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WHEREAS, the Town Board believes the program is in the best interest of the Town of Marilla and its residents.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby approve the Stop DWI Contract with Erie County for the Year 2004, a copy of which is attached hereto and made a part hereof.
2. The Supervisor is hereby authorized to sign said agreement and return it to Erie County.
3. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Gingerich – Aye	Councilman Spanitz – Aye
Councilman Gertz – Aye	Councilman Specht – Aye
Motion Carried.	

Motion: Councilman Gingerich moved, seconded by Councilman Gertz to declare the paper bailer, piano, desk, and old computer as surplus items. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize the payment of \$28,330.47 to the Marilla Memorial Pavilion Committee for completion of the Pavilion. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to approve request by Girl Scout Troop #493 to use the Community Center for an overnight sleep over to work on their Bronze Award. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following SEQRA resolution for Water District V:

WHEREAS, the Town Board of the Town of Marilla has received a petition for the Creation of Water District No. 5 in the Town of Marilla; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law, the Marilla Town Board has reviewed the Waterline Installation proposed for areas of the northeast segment of the Town of Marilla bordering on the Town of Alden in Erie County and the Town of Bennington in Wyoming County; and

WHEREAS, the Town Board of the Town of Marilla has determined it is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, pursuant to Resolution adopted on November 6, 2003, the Town Board determined that the propose action was a Type I Action under SEQRA and that it was the agency with the broadest governmental powers for investigating the impact of the proposed action and the greatest capacity for providing the most thorough environmental assessment of the proposed action and the most local agent with permitting authority, and pursuant to such resolution the Town of Marilla has undertaking to conduct a coordinated review; and

WHEREAS, all the involved agencies required to be notified under SEQRA have been notified and has received responses from most of agencies notified and no agency has contested the determination of the Town of Marilla to act as lead agency, but responses have identified areas of concern that must be addressed by the Town of Marilla; and

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WHEREAS, the Town of Marilla has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that a Negative Declaration is hereby issued, based upon the following reasons; 1. Since the project involves the construction of waterlines primarily within the existing Right-of-Way (ROW) of the Road, with only a few possible exceptions where obstacles or prior facilities require some deviation, there will be no significant adverse affects on wildlife, plant or fish habitats, or on open space or recreation in the Town.

2. Review of the project area by the NYSDEC it is indicated that 3 archeological sites may lie in or near the project area but the Town will apply for clearance from NYS Office of Historic Preservation before construction commences, undertake such studies as shall be directed by such agency and follow all required guidelines during construction so as not to adversely impact any archeological site. We will require a determination by NYS Office of Historic Preservation based upon the Phase I Archeological Survey before progressing the project to completion. In addition NYSDEC has indicated that the project may require a permit because the tributaries of Cayuga Creek are protected state waters. Any stream crossings, work within protected state waters or work within a wetland's buffer will be in accordance with State requirements and proper erosion and sediment control will be utilized. In addition, the Town will obtain the required permits from NYSDEC prior to undertaking any construction within protected state waters.
3. During construction, there will be increases in energy usage, noise, dust and odor and minor traffic disruptions, however, these will result in small to moderate impacts of limited duration. Long term energy changes due to increased pumping by the ECWA will be minor.
4. The project will have no significant effects on air quality or the character of the community.
5. The project will not adversely affect public health and safety, but actually will improve public health and safety through improved fire fighting capabilities and by providing a better and safer water supply source.
6. The Town has followed the procedures as required under the Agriculture and Markets Law and a Final Notice of Intent has been filed with the Department of Agriculture and Markets and the Town has found the proposed action to be consistent with the social, economic and other essential considerations, and, to the maximum extent practicable, adverse agricultural impacts will be avoided and/or minimized.
7. The purpose of the waterline installation is to provide water to those in need of a proper water supply. Any growth or development that may occur after this installation will need to meet the requirements of SEQRA and the Town's zoning and land development requirements. All the District is located in the Town's Agricultural (A) District which prohibits major subdivision.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the

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said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed make the appropriate filings in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

Roll Call Vote:

Councilman Spanitz – Aye Councilman Gingerich – Aye

Councilman Gertz – Aye Councilman Specht – Aye

Motion Carried.

Report of Town Officials

Building Inspector John Fronczek submitted a written report with 8 building applications received with fees totaling \$1,247.00, 8 building permits issued with a total value of \$376,550.00, 9 inspections were made and 1 complaint was acted on. One Special Use Application was received for \$450.00. There were a total of 149 activities. Two of the above permit fees were doubled for not having had building permits before construction. Received a detailed soil map of the Town of Marilla and a book describing capabilities of various soils. Deputy Building Inspector, Scott Rider will begin annual inspections of public assembly buildings and multiple dwellings. The Williston Road demolition and clean up of the fire damaged residence has been completed.

Planning Board minutes were received and posted, Planning Board Chairman Judy Gillman stated that the next meeting will be held on December 18th for the Public Hearing on the proposed Golf Course.

CAB minutes have been received and posted.

Councilman Gertz reported for The Marilla Fire Company, he warned that there has been a lot of auto accidents at the Two Rod Road and Clinton Street intersection.

Town Historian Hubert Kutter reported that Councilman George Gertz, Jeff Lewinski and himself have been working on the Sesqui-Centennial History Book.

Open Board Presentations

None

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 535-607	\$	58,430.67
Highway Fund Claims, Vouchers 186-212	\$	12,633.82
Special Districts		
Sanitation (SR), Vouchers 124-141	\$	11,332.25
Special Fire, Voucher	\$.00
Water District #2, Vouchers 33-39	\$	6,728.27
Water District #3, Vouchers 14-15	\$	2,462.38
Water District #4, Vouchers 12-13	\$	1,487.18
Community Develop. PACE vouchers 8-9	\$	2,090.00
HUD vouchers 4-8	\$	15,075.56

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to adjourn at 7:55 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk _____ Supervisor

_____ Councilman _____ Councilman

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Councilman _____

Councilman _____